



**STATE OF MONTANA
MONTANA DEPARTMENT OF TRANSPORTATION
JOB PROFILE**



Update



Formal Review

Date Submitted _____

SECTION I - Identification

Working Title: Right of Way Appraisal Reviewer

Department: Transportation

Job Code Number: 131976

**Division & Bureau: Engineering
Right of Way Bureau**

Job Code Title: Right of Way Specialist

Section & Unit: Appraisal Section

Pay Band: 6

**Work Address: 2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001**

**Position Number: 60026, 60051, 60055, 60064,
60087**

Phone: 444-6082



FLSA Exempt



FLSA Non-Exempt



Non-Union



MPEA



Blue Collar

Profile Completed By: Rob Stapley

Work Phone: 444-6063

Work Unit Mission Statement or Functional Description:

The Montana Department of Transportation's (MDT) mission is to serve the public by providing a transportation system and services that emphasize quality, safety, cost effectiveness, economic vitality and sensitivity to the environment.

The Engineering Division prepares projects for bidding and coordinates highway construction. The Division is made up of the Materials, Construction, Right of Way, Bridge, Traffic and Safety, Consultant Design, and Highways bureaus; the Engineering Information section; and five District Construction Offices in Missoula, Butte, Great Falls, Glendive, and Billings for budget and workforce purposes.

The Right of Way Bureau acquires land for transportation projects and administrative needs. It also provides assistance and payments to individuals and businesses relocated by highways; designs the right of way; and arranges for relocating utilities that conflict with highway construction.

The Appraisal Section is responsible for MDT's real estate appraisal and appraisal review functions, including development of policies, procedures, and special instructions needed to carry out the real estate appraisal and appraisal review programs; provide professional appraisal and technical assistance to staff and fee appraisers; review all appraisals performed by staff and fee appraisers to ensure that they conform to current appraisal standards, are factually correct, meet legal requirements, and accurately estimates the value of property to be acquired and any loss in value to the remainder property; make decisions or determinations if there are any uneconomic remnants; make decisions or determinations as to the amount of just compensation that MDT should offer for each parcel to be acquired. This Section is responsible for developing MDT's appraisal policies, procedures, and guidelines; providing technical education and assistance for development of staff.

Describe the Job's Overall Purpose:

This position serves as a Right of Way Appraisal Reviewer in the Appraisal Section for the MDT Right of Way (ROW) Bureau. The job's overall purpose is to serve as a field authority in conducting property appraisals to arrive at fair compensation for property acquisitions. This includes all standard and specialized property appraisal and negotiation types. The incumbent in this position reviews project plans and appraisals for consistency and errors prior to acquisition, leading to significant cost savings, minimizing condemnations actions, and reducing project delays. This position approves Just Compensation due to landowners. This position also coordinates various operational functions of the Section and performs a variety of other duties as assigned. The position reports to the Appraisal Section Manager.

SECTION II - Major Duties or Responsibilities

This section should be a clear concise statement of the position's major duties and the approximate percent of work time for each duty

% of Time

- | | | |
|-----------|--|------------|
| A. | APPRAISAL REVIEW | 60% |
|
 | | |
| 1. | Develops and recommends new or modified right of way policies, procedures, standards, and guidelines related to the MDT's right of way appraisal process based upon analysis and assessment of appraisal and negotiation needs and priorities, changing statutory requirements, professional methods and standards, and ROW goals and objectives. This involves assessing changes affecting transportation planning and right of way issues, standards, and requirements; incorporating objectives and recommendations from district right of way personnel; evaluating new professional methods and statutory requirements; and monitoring the effectiveness of various right of way appraisal projects to identify and recommend new approaches to right of way acquisition and appraisal issues. | |
| 2. | Reviews and analyzes right of way and highway construction plans to determine impacts, accuracy, and constructability issues as they affect right of way. Identifies errors and consults with staff to develop and coordinate resolutions. Serves as a project leader to provide guidance to district right of way agents and right of way consultants and ensure the efficiency, safety, and overall quality of individual appraisals. Establishes and monitors project scope, priorities, timelines, and resource requirements. Reviews contentious or complex right of way appraisal reports referred by other right of way agents and right of way consultants to verify the technical integrity of methods and conclusions, ensure compliance with state and federal statutory requirements as well as professional standards, and provide quality assurance (i.e., ensure that appraisals correctly represent the value and compensable damages of the property to be acquired). | |
| 3. | Evaluates the effectiveness of ongoing right of way appraisal procedures to identify operational efficiencies and resolve problems. This involves assessing past, current and proposed right of | |

way appraisal project operations and results; consulting with subordinate staff, consultants, and supervisors; and continually evaluating changing needs to ensure effective program delivery. Develops solutions to a broad range of complex in-progress problems encountered by department or consultant staff (e.g., property valuations, contentious determinations, etc.).

4. Researches and evaluates property title information and ownership data to determine the impacts of various technical and legal issues on the valuation of the subject property. This involves examining building and site-improvement valuation information from various sources; investigating the effects of sanitation regulations, zoning, planning, irrigation rights, covenants and deed restrictions, traffic flow and access control, and other issues; and determining the relative effects on property values.
5. Provides direction to district right of way agents and consultant staff throughout the appraisal process on assigned projects. Coordinates and is responsible for initial appraisal scope of work, and provides direction and guidance to staff and consultants assigned to do appraisals for the project. Performs the appraisal review function on these appraisals with final authority to approve or reject any appraisal found not to be in compliance with the requirements of the Code of Federal Regulations, the Uniform Act and MDT Appraisal Chapter 5. Performs Quality Control examinations of legal descriptions, plans, appraisals, deeds, exhibits, and title information as they pertain to the appraisal process.
6. Provides direction in coordinating and/or conducting site inspections of subject properties and comparable sales to determine sales equivalencies and necessary appraisal adjustments; coordinates contracted services to develop value estimates of site improvements to be purchased; and documents technically and legally defensible valuation conclusions for incorporation into final appraisals. This involves ascertaining the highest and best use of appraisal property, determining and documenting professional assumptions and limiting conditions; determining comparable sales data and appropriate adjustments to subject property valuations; and estimating the value of site improvements to be purchased as well as damages to the remaining property (i.e., due to proposed construction activities).
7. Analyzes and evaluates appraisal information to determine appropriate amounts of compensation for each parcel of property to be acquired. This involves identification and resolution of discrepancies in factual information, appraisal methods and techniques, and final determinations. As an authority for appraisal projects, the incumbent is responsible for the most contentious and/or complex appraisal projects, such as partial take, multiple use, condemnation, and commercial/residential appraisals and subsequent negotiations. Provides project valuation services to MDT legal staff by providing expert valuation analysis or other valuation services as requested.
8. Conducts formal right of way appraisal reviews to resolve discrepancies and maintain consistency among appraisal project reports. Recommends right of way appraisal methods and justifications for final compensation adjustments and has authority to approve an appraisal or reject any appraisal found not to be in compliance.
9. Provides guidance and technical assistance to district right of way agents and right of way consultants, to resolve unusual or unanticipated problems involving right of way procedures, sensitive or contentious communications with land owners, technical interpretations, and other issues. Coordinates with other right of way personnel to provide quality assurance (i.e., ensure that appraisals correctly represent the total compensation due for the property to be acquired).
10. Researches and monitors changing methods, laws, and professional standards related to right of way and real estate appraisals to incorporate appropriate innovations into ongoing project plans. Develops and maintains working relationships with other staff and fee appraisers,

professional associations, and others to exchange information regarding program operations and proposed changes.

B. RIGHT OF WAY OPERATIONS

25%

1. Develops and delivers training sessions to agents to fulfill training needs identified by the incumbent, district right of way managers, and/or the right of way bureau (e.g., conflict management, new appraisal methods and standards, etc.). This involves researching and/or compiling training materials, establishing voluntary and/or mandatory schedules, delivering training presentations, and providing ongoing technical assistance and consultation as necessary.
2. Apprises Appraisal Manager of team and individual performance on various projects. This involves assessing project outcomes relative to specific goals and professional standards, identifying strengths and deficiencies, and presenting information to supervisors. The incumbent may also participate in staff recruitment and selection committees to ensure objective and appropriate staff appointments.
3. Conducts or oversees right of way ownership, irrigation stock pass, and access control studies; pre-appraisal scope of work report, and other special studies to research and document information related to right of way costs; structural elimination, inclusion, or preservation during construction; present and future needs based on the highest and best use of properties; and other information that is critical to the effectiveness of district operations as well as individual appraisal projects.
4. Develops and monitors contracted service delivery to ensure the efficiency and overall quality of services. Identifies and notifies service providers of errors or deficiencies, refers recurring or severe problems to the Appraisal Manager for resolution, and provides ongoing guidance and technical assistance as requested.
5. Coordinates right of way valuation information as required for relocation processes, computes and recommends value break outs on multipurpose properties and provides market rental or purchase information as requested.
6. Identifies suspect or illegal outdoor advertising signs to ensure compliance with laws and requirements. This involves identifying and/or inspecting outdoor advertising sites, referencing applicable statutes and regulations, and coordinating with landowners to explain requirements, deficiencies, and violations; issue permits; and monitor corrective actions.
7. Promotes a positive public image of the MDT and effective relationships with landowners, local government officials, community representatives, consultants, and others through conscientious and courteous service delivery, effective communication, and technical and personal assistance.

C. ACQUISITION

10%

1. Researches and examines documentation related to appraisals to determine actual/potential deficiencies; anticipate mediating factors (e.g., environmental concerns, sanitation regulations, zoning, etc.); and explain and clarify specific details of individual appraisals (e.g., procedures, requirements, construction plans, valuation factors, etc.). Researches updated title information, liens and lien satisfactions, tax delinquencies, judgments, and other information and data that may collude or complicate title examinations. Identifies and resolves title discrepancies through extensive research of public records and other means available.

2. Completes technical and legal documentation required for negotiations and final agreements to ensure the accuracy, clarity, and availability of essential information and data related to property appraisals, including right of way agreements specifying the terms and conditions of purchase, deeds, easements, grants of possession, irrigation agreements, tax reimbursement statements, and contact histories related to the subject property.
3. Evaluates multiple and variable factors (e.g., access control, corridor preservation, fishing access, drainage, etc.) related to appraisal and negotiations to ensure just compensation. This involves researching available legal and technical documentation (e.g., ownership titles, conservation easement records, architectural/engineering designs, etc.); coordinating with builders, attorneys, technical specialists, and others; and integrating these factors into negotiations and consequent agreements.
4. Interprets right of way plans, construction plans, and cross-sections for natural features, property interests, construction features and engineering features (e.g., equations, curve data, approach standards, engineering standards, setback requirements and bid specifications) to ensure the compensation adequately reflects the economic impact to the landowner's property. Explains and clarifies elements of plans, agreements, and bid items to landowners. Meets with landowners, often in stressful circumstances (and, usually at their residence) to explain the impacts of the construction activities, present the monetary offer and ascertain landowner conflicts; objections and problems are resolved before the required signatures can be obtained.
5. Negotiates just compensation for real estate acquisitions with staff, landowners, MDT and private legal representatives, and others to establish consensus regarding property values and compensation amounts. The incumbent is responsible for negotiating the most complex or contentious acquisition types (e.g., partial take, condemnation, multiple use, etc.). Ensures that any changes in value between appraisal and completion of negotiations are reflected in final compensation.
6. Resolves contentious and confrontational situations with landowners and/or legal representatives to establish consensus between negotiating parties. This involves consulting with other agents, MDT staff (e.g., legal, hydraulics, design, traffic, etc.), external contractors; explaining and justifying appraisal determinations, procedures, and requirements; and determining appropriate means of resolving conflicts (e.g., monetary, construction, legal, etc.).
7. Recommends modified or expanded work contracts for working around sensitive environmental areas, historical sites and other community interests to resolve disputes with landowners and other affected parties. The incumbent must assess individual circumstances of proposed projects, objections or complaints from interested parties, and the impacts of various alternatives to project parameters (e.g., time, cost, safety, etc.).
8. Exercises delegated authority to offer cash and/or construction incentives to secure agreements with landowners. The incumbent ensures that incentives beyond appraised property values are justified based upon circumstances related to planned construction activities, comparable sales, negotiation proceedings, MDT limitations, legal requirements, and other issues.
9. Secures necessary signatures to finalize successful negotiations and agreements. Refers irreconcilable negotiations and impasses to the Acquisition Manager for subsequent action. Provides valuation testimony in court proceedings to explain, justify, and/or defend appraisal methods, evaluations, and final determinations.
10. Resolves landowner damage claims related to construction activities as requested by the Appraisal Manager or Bureau Chief. This involves damage assessments, valuations, and negotiations to settle claims (i.e., similar to those required for property acquisitions).

11. Provides guidance and advice to other negotiators on special needs, opportunities, and impediments affecting negotiations. This includes reviewing project details to identify potential incentives, disincentives, and problems (e.g., relocation issues, damage claims, etc.) and coordinating with agents and landowners to address specific needs and interests.

D. OTHER DUTIES

5%

Perform a variety of other duties as assigned by the Section Supervisor and/or the Bureau Chief in support of the MDT mission and Division objectives. This includes exchanging information with consultants, agency staff, and the public; providing training, education, and professional and technical assistance; directing special projects; participating in ongoing training and educational programs; representing MDT at meetings and conferences; and performing a variety of other duties as directed.

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1. ***The following duties and/or specific tasks listed under section II above are considered "essential functions" because they require specialized expertise and skill and are the primary reasons the job exists (they must be performed by this position with or without accommodations):***

Duty A: Appraisal Review

Duty B: Right of Way Operations

Duty C: Acquisitions

The following mental and physical demands are associated with these essential functions:

PHYSICAL

- Light lifting (less than 10 lbs.)
- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Travel within the State to project locations, and out of State travel by airline to national conferences and meetings.
- Operating a personal computer
- Communicate in writing, in person, and over the phone
- Ability to drive long distances

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Computing arithmetic operations
- Comparing data
- Compiling information
- Analyzing
- Coordinating
- Synthesizing
- Negotiating
- Instructing

2. Does this position supervise others? ☐ Yes ☒ No

Number directly supervised: 0

Position Number(s) of those supervised: N/A

3. Attach an Organizational Chart.

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

Extensive knowledge of the concepts and theories of real estate appraisal, including the principles of eminent domain, real estate law as it applies to land titles and transfer documents, and appraisal and acquisition of real property for federal aid projects, and other program functions; program planning and administration, budgeting; contract management; application of state, federal, AASHTO, and FHWA requirements and standards; and a working knowledge of land surveying, highway engineering design, and construction methods and materials, and building construction materials and methods.

SKILLS:

Skill in directing, organizing, and coordinating multiple staff and projects; examining, interpreting, and translating technical/legal information to broad audiences, standard office software applications (e.g., word processing, database, etc.), analyzing and interpreting statistical information, and written and verbal communications. This position also requires skill in the use of specialized surveying and other equipment such as microfiche readers, distance measuring equipment, motion analyzers, planimeters, and others.

Behaviors required to perform these duties:

See MDT Core Behaviors

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> Related AAS/2-years college/vocational training |
| <input type="checkbox"/> High school diploma or equivalent | <input checked="" type="checkbox"/> Related Bachelor's Degree |
| <input type="checkbox"/> 1-year related college/voc. training | <input type="checkbox"/> Related Master's degree |

Please specify the acceptable fields of study:

Acceptable: Any

Other education, training, certification, or licensing required (specify):

Montana Certified General Appraiser License required within three (3) years of the first day of work in this position.

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

- | | |
|---|---|
| <input type="checkbox"/> No prior experience required | <input type="checkbox"/> 3 years |
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 4 years |
| <input type="checkbox"/> 2 years | <input checked="" type="checkbox"/> 5 or more years |

Other specific experience (optional):

The position requires five (5) years of applied experience in the following areas: Eminent domain appraisal; Negotiation, consisting of researching property ownerships, negotiating the sale or purchase of real estate, and the ability to explain all types of appraisals to landowners; and, Understanding and interpreting engineering plans, including reading and writing legal descriptions, plotting ownerships, and preparing preliminary engineering studies.

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

- ☒ Yes ☐ No

Alternative qualifications include:

Experience in real property appraisal, preferably with Eminent Domain, may be considered for this position on a case by case basis. Additional education may be considered on a case by case basis.

SECTION IV – Other Important Job Information

- | | |
|--|--|
| <input type="checkbox"/> Fingerprint check | <input checked="" type="checkbox"/> Valid driver's license |
| <input type="checkbox"/> Background check | <input type="checkbox"/> Other; Describe |

Other information including working conditions such as shifts, lifting requirements, travel or hours.

SECTION V – Signatures

Signature indicates this statement is accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Bureau Chief:

Name: _____ Title: _____

Signature: _____ Date: _____

Division/District Administrator:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

Brent Rabe/Designee

Chief Human Resources Officer
Human Resources Division

Signature: _____ Date: _____